

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: ETHICON, INC.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL No. 2327

THIS DOCUMENT RELATES TO ALL CASES

PRETRIAL ORDER # 40
(Plaintiff Fact Sheet)

The parties have agreed to and submitted for entry, the attached Plaintiff Fact Sheet (“PFS”) with Verifications and Authorizations.¹ It is **ORDERED** as follows:

- (1) Pursuant to PTO # 33, the 30 plaintiffs chosen by the parties for the Discovery Pool must complete the PFSs and Verification(s) and Authorizations by **April 8, 2013**;
- (2) The PFSs, Verification(s) and Authorizations must be submitted to the following addresses electronically:

Plaintiffs - Rbaggett@awkolaw.com (Renee Baggett) and

tcartmell@wcllp.com (Tom Cartmell)

Ethicon - RDavis@tcspllc.com (Robyn Davis) and

jan.thomas@butlersnow.com (Jan Thomas)

¹ The PFS, with the attached Verifications and Authorizations can be found on the court’s website at www.wvsc.uscourts.gov under the Ethicon MDL, Plaintiff Fact Sheet. The Authorizations are the same as those used for the Plaintiff Profile Form.

(3) Any plaintiff who fails to comply with the PFS obligations under this order, including failure to timely submit a PFS or failure to submit a substantially complete PFS, may, for good cause shown, be subject to sanctions to be determined by the court, upon motion of the defendants. The court expects the parties to meet and confer before such a motion is filed, and will adjudicate such motions on an expedited basis.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2327 and it shall apply to each member related case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2:13-cv-03785. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsc.uscourts.gov.

ENTER: March 6, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE